

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 RACHEL MARIE WHITTED,  
4 aka Ralph Whitted (#1212277),

Plaintiff

5 v.

6 LAURA,  
7

8 Defendant

Case No. 3:21-cv-00193-MMD-CLB

**ORDER**

9 **I. DISCUSSION**

10 On April 26, 2021, Plaintiff, an inmate in the custody of the Nevada Department of  
11 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed  
12 a financial certificate and inmate account statement for the previous six-month period.  
13 (ECF Nos. 1-1, 1-2). Plaintiff has not filed an application to proceed *in forma pauperis*  
14 on this Court's approved form or a financial certificate on this Court's approved form.

15 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
16 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
17 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
18 inmate must submit all three of the following documents to the Court:

- 19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
20 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on  
21 page 3),  
22 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
23 official (i.e. page 4 of this Court's approved form), and  
24 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
25 **previous six-month period.**

26 The Court will grant Plaintiff a **one-time extension** to file a fully complete  
27 application to proceed *in forma pauperis* containing all three of the required documents.  
28 Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before

1 **June 28, 2021.** Absent unusual circumstances, the Court will not grant any further  
2 extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma*  
3 *pauperis* with all three required documents on or before **June 28, 2021**, this case will be  
4 subject to dismissal without prejudice for Plaintiff to file a new case with the Court when  
5 Plaintiff is able to acquire all three of the documents needed to file a fully complete  
6 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
8 case with the Court, under a new case number, when Plaintiff has all three documents  
9 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
10 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
11 full filing fee of \$402 on or before **June 28, 2021** to proceed with this case.

12 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court  
13 will not file the complaint unless and until Plaintiff timely files a fully complete application  
14 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
17 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
18 as the document entitled information and instructions for filing an *in forma pauperis*  
19 application.

20 IT IS FURTHER ORDERED that on or before **June 28, 2021**, Plaintiff will either  
21 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
24 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
25 signatures on page 3),

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
27 official (i.e. page 4 of this Court's approved form), and

28 (3) a copy of the **inmate's prison or jail trust fund account statement for the**

**previous six-month period.**

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **June 28, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No. 1-1) but will not file it at this time.

DATED: April 28, 2021

UNITED STATES MAGISTRATE JUDGE